

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/4/2019

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SECURITIES AND EXCHANGE
COMMISSION, :

Plaintiffs, :

17 Civ. 5821 (LGS)

-against- :

ORDER

ROBERT DONALD BRUCE GENOVESE, ET :
AL., :

Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 6, 2018, Plaintiff the Securities and Exchange Commission (“SEC”) filed a letter motion (Dkt. No. 64) seeking to compel the production of certain communications (the “Communications”) between (i) Robert Bursky (John Thomas Financial (“JTF”) outside counsel), Richard Nummi (JTF compliance consultant), Joseph Castellano (JTF Chief Compliance Officer), or Michael Egan (JTF AML Compliance Officer) and (ii) Defendant Mirman (JTF former associate or employee), regarding advice or information that Defendant Mirman allegedly relied upon with respect to the Broker’s Representation Letter and Liberty Silver Corporation stock;

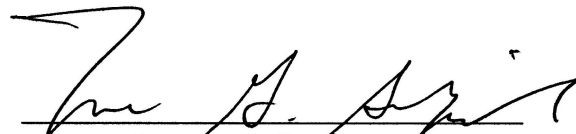
WHEREAS, Defendant Mirman has been withholding the Communications based on the assertion of privilege – both his own and JTF’s attorney-client privilege (*See* Dkt. No. 66). It is hereby

ORDERED that a hearing will be held on **January 24, 2019, at 11:00 a.m.** before the Honorable Lorna G. Schofield, United States District Judge, at the Thurgood Marshall United States Courthouse Courtroom 1106, at 40 Foley Square, New York, New York for any interested

person or entity to show cause why the Communications should not be disclosed in this litigation. Any entity or person -- including JTF -- that intends to assert the attorney-client privilege or other privilege or protection regarding the Communications to prevent their disclosure in this litigation shall file by **January 18, 2019**, a letter stating the basis for such privilege, and shall appear at the above referenced hearing. If no such letters are filed, the hearing will be cancelled. It is further

ORDERED that by **January 11, 2019**, Defendant Mirman shall serve a copy of this Order on JTF and any other entity or person Mirman believes may have an interest or privilege in protecting the documents from disclosure. By **January 15, 2019**, Defendant Mirman shall file proof of service.

Dated: January 4, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE